

IN RE: PETITIONS FOR VARIANCE * BEFORE THE
NE/S Park Avenue at its intersection
with Washington Boulevard * DEPUTY ZONING COMMISSIONER
(1823 & 1825 Park Avenue)
13th Election District * OF BALTIMORE COUNTY
1st Councilmanic District * Case Nos. 96-468-A & 96-469-A

Michael Braden Decker, Sr.
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 1823 and 1825 Park Avenue, located in the vicinity of Washington Boulevard in Halethorpe. The Petitions were filed by the owner of the properties, Michael Braden Decker, Sr. In Case No. 96-468-A, the Petitioner seeks relief from Section 1B02.3.C.1 (Sections 238.1 and 302) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling at 1823 Park Avenue. In Case No. 96-469-A, the Petitioner seeks relief from the B.C.Z.R. for the existing improvements at 1825 Park Avenue as follows: From Section 400.1 to permit an accessory structure (detached garage) to be located as close as 1.66 feet to the side property line in lieu of the required distance of 2.5 feet; from Section 1B02.3.C.1 to permit a side yard setback of 6 feet in lieu of the required 10 feet, a street corner side setback of 21 feet in lieu of the required 25 feet, and a front yard setback of 19 feet in lieu of the required 25 feet for the existing dwelling, and, from Section 301 to permit side setbacks of 1.18 feet and 11 feet in lieu of the minimum required 7.5 feet and 18.75 feet, respectively, for an open projection (wood deck). The subject properties and relief sought are more particular-

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Date

By

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ly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions was Paul Decker, Builder and cousin of Michael Decker, legal owner of both properties. Appearing as Protestants in the matter were Wendell and Patsy Phillips, adjoining property owners.

Testimony and evidence offered revealed that the two properties which are the subject of these requests are located on the northeast side of Park Avenue, at its intersection with Washington Boulevard. Michael Decker purchased the two properties approximately 6 months ago and currently resides on the corner property, known as 1825 Park Avenue. That property consists of a gross area of 0.1435 acres, or 6,250 sq.ft., zoned B.R.-C.S.1 and is improved with a two-story dwelling, one-story garage and attached deck. Due to the location of existing improvements on this property and its location as a corner lot, the relief requested is necessary to legitimize existing conditions.

As to the adjoining property at 1823 Park Avenue, testimony indicated that Michael Decker intends to sell that lot to his cousin, Paul Decker, who proposes to develop that lot with a one-story rancher for himself and his family. That property consists of a gross area of .198 acres, or 8,623 sq.ft., zoned B.R.-C.S.1, and is only 50 feet wide by 125 feet deep. Thus, the requested variance from lot width requirements is necessary in order to proceed with the proposed development.

As noted above, two individuals appeared in opposition to the relief requested. Mr. & Mrs. Wendell Phillips testified that the existing dwelling at 1825 Park Avenue has been utilized in the past as a three apartment dwelling. However, at the present time, Michael Decker is

residing on the property by himself and does not rent out the other two apartments. They testified that when the house was rented as three apartments, parking in the neighborhood was a serious problem. Furthermore, they are concerned over the types of individuals who rent these apartments and stated that they have had problems in the past with rowdiness and late-night parties. These residents are concerned about the over-development of the property at 1825 Park Avenue and believe that this corner property needs the adjacent, vacant lot, in order to support the three apartment use of the two-story dwelling. These neighbors believe that to construct a dwelling on the vacant lot at 1823 Park Avenue would be an over-development of this corner.

I agree with the neighbors who attended the hearing that to allow a dwelling to be constructed at 1823 Park Avenue would be an over-development of this corner property. This is true, if, in fact, the two-story dwelling at 1825 Park Avenue is being used as three-apartments. If this house were to be converted to a single family dwelling, thereby eliminating two of the apartments and the individuals and automobiles associated with those two apartments, then it would not be an over-development of this corner property to allow the proposed development on the adjacent lot at 1823 Park Avenue. A discussion ensued at the hearing and an agreement was reached between the neighbors that a variance for the proposed development at 1823 Park Avenue would not be opposed if Mr. Decker is willing to reconvert the dwelling at 1825 Park Avenue to a single family residence. Therefore, I shall grant the relief requested conditioned upon Mr. Decker reconverting the dwelling at 1825 Park Avenue to a single family residence. In the event Mr. Decker chooses not to reconvert the dwelling to a single

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Date

By

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1823 Park Avenue shall be rescinded and the Petitioner shall be required to bring the property at 1825 Park Avenue into compliance with the zoning regulations.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted as conditioned above, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

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Date

By

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of July, 1996 that the Petition for Variance in Case No. 96-468-A, seeking relief from Section 1B02.3.C.1 (Sections 238.1 and 302) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling on the property known as 1823 Park Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 96-469-A, seeking relief from the B.C.Z.R. as follows for the existing improvements at 1825 Park Avenue: From Section 400.1 of the B.C.Z.R. to permit an accessory structure (detached garage) to be located as close as 1.66 feet to the side property line in lieu of the minimum required 2.5 feet; from Section 1B02.3.C.1 of the B.C.Z.R. to permit a side yard setback of 6 feet in lieu of the required 10 feet, a street corner side setback of 21 feet in lieu of the required 25 feet, and a front yard setback of 19 feet in lieu of the required 25 feet for the existing dwelling, and, to permit side setbacks of 1.18 feet and 11 feet in lieu of the minimum required 7.5 feet and 18.75 feet, respectively, for an open projection (wood deck), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions and conditions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

ORDER RECEIVED FOR FILING
Date 7/30/96
By [Signature]

2) The relief granted herein is conditioned upon the Petitioner reconverting the two-story, three-apartment dwelling at 1825 Park Avenue to a single family residence, prior to the issuance of any permits for the proposed dwelling at 1823 Park Avenue. In the event the Petitioner chooses not to reconvert the existing dwelling to a single family residence, then the relief granted for the proposed dwelling at 1823 Park Avenue (Case No. 96-468-A) and the existing improvements at 1825 Park Avenue (Case No. 96-469-A) shall be rescinded

3) The Petitioner shall have thirty (30) days from the date of this Order to submit a written statement advising this Office of his intention to reconvert the dwelling at 1825 Park Avenue to a single family residence, never to be used as three (3) apartments again. Said notice shall be incorporated into the case files on these matter and made a part of the record. Failure to submit such written notice will cause the relief granted in both Cases Nos. 96-468-A and 96-469-A to be rescinded.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

5) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order. A copy of the recorded deed shall be forwarded to the Department of Permits & Development Management (DPDM) for inclusion in the case file prior to the issuance of any building permits.


TIMOTHY M. KOTROCO

Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date

By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

July 30, 1996

(410) 887-4386

Mr. Michael Decker, Sr.
1825 Park Avenue
Baltimore, Maryland 21227

RE: PETITIONS FOR VARIANCE
NE/S Park Avenue at its intersection with Washington Boulevard
(1823 & 1825 Park Avenue)
13th Election District - 1st Councilmanic District
Michael Braden Decker, Sr. - Petitioner
Case Nos. 96-468-A & 96-469-A

Dear Mr. Decker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Paul Decker
4316 Leola Avenue, Baltimore, Md. 21227

Mr. & Mrs. Wendell Phillips
1818 Park Avenue, Baltimore, Md. 21227

People's Counsel

Case File

RECEIVED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-468-A

1825 Park Ave.

which is presently zoned BR-CS-1

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.1 to Allow an Existing Garage

Setbacks of as close as 1.66 in lieu of the required 2.5, Sec. 1B02.3C1 to Allow an Existing house a sideyard setback of 6' and a street corner side setback of 21' and a front yard setback of 19' in lieu of the required setbacks of 10, 25 + 25 respectively and Sec. 301.1A to Allow Existing Open Projection Setbacks 1.18' + 11' in lieu of 7.5' + 18.75 required. [Sec. 228.1 + 302] of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

to be discussed at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s).

Michael Braden Decker Sr

(Type or Print Name)

[Signature]

Signature

(Type or Print Name)

Signature

1825 Park Ave 247-7488

Address

Phone No.

Baltimore md 21227

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

John Mellem Surveyors

Name

5409 EAST DRIVE (410) 247-7488

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

2 hr

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY: CAM

DATE

24 May 96

Schedule with 470

ORDER RECEIVED FOR FILING

Date

By

Printed with Soybean Ink
on Recycled Paper



Sec 238.1, 302

~~Sec 400.1~~ To Allow an existing garage a setback

of as close as 1.66' in lieu of the required 2.5'.
Sec 1302.3.C.1 to allow an existing house a sideyard
setback of 6' in lieu of the required 10' and
a street corner ^{side} set back of 21' in lieu of the
required 25', and a front ^{setback} set back of 19' in
lieu of the required 10, 25' and 25' ~~respectively~~ respectively.
and see 301.12 to allow existing open
projection setbacks of 1.18' and 11' in lieu of
the required 7.5 and 18.75 ~~setback~~ Required.

96-468

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JOHN C. MELLEMA, SR. INC.
5409 EAST DRIVE
BALTIMORE, MARYLAND 21227
MAY 23, 1996

96-468-A

ZONING DESCRIPTION FOR 1825 PARK AVENUE

Beginning at a point on the Northeast side of Park Avenue which is 50 feet wide and 25 feet Southwest from the centerline of Washington Blvd. 50 feet wide.

Being known as lot 432 in the subdivision of Hall and Smith Farms as recorded in Baltimore County in plat book J.W.S. 1 folio 60 containing 8.623 square feet.

Also known as 1825 Park Avenue and located in the 13th election district, 1st councilmanic district.

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chase-peak Avenue, in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #98-468-A
(Item 469)

1825 Park Avenue
NEO Park Avenue and Wash-
ington Boulevard
13th Election District
1st Councilmanic

Legal Owner(s):

Michael Braden Decker, Sr.
Variance: to allow an existing garage setbacks of as close as 1.66 ft. in lieu of the required 2.5 feet; to allow an existing house a side yard setback of 6 ft.; and a street corner side setback of 21 feet; and a front yard setback of 19 ft. in lieu of the required setbacks of 10 ft., 25 ft., and 25 ft., respectively; and to allow existing open projection setbacks of 1.16 ft. and 11 ft. in lieu of the re- quired 7.5 ft. and 16.75 ft. re- quired.

Hearing: Friday, June 28, 1998
at 11:00 a.m. in Rm. 106,
County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.

(2) For information concern-
ing the File and/or Hearing,
Please Call 887-3351.

6/033 June 6 C57333

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/6, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/6, 1996.

THE JEFFERSONIAN,

A. Henriksen

LEGAL AD. - TOWSON

APPROVED
R.D.D.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

10. 019969

DATE 2/11/16 ACCOUNT 96-468-A

Item 469
AMOUNT \$ 85.00

RECEIVED FROM: Paul Parker

FOR: RV 1525 Park Ave

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DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

96-468-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 469 Petitioner: Michael Braden Decker SR.

Location: 1825 Park Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Paul Decker

ADDRESS: 4316 Leola Ave.

Balto Md., 21227

PHONE NUMBER: 247-7488



Plat to accompany Petition for Zoning ☐ Variance ☐ Special Hearing

PROPERTY ADDRESS: _____

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

OWNER: _____



North

date: _____ prepared by: _____

Scale of Drawing: 1"= _____



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: _____

Councilmanic District: _____

1"=200' scale map#: _____

Zoning: _____

Lot size: _____ acreage _____ square feet

public private
SEWER: ☐ ☐
WATER: ☐ ☐

Chesapeake Bay Critical Area: ☐ yes ☐ no

Prior Zoning Hearings: _____

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____

TO: PUTUXENT PUBLISHING COMPANY
June 6, 1996 Issue - Jeffersonian

Please forward billing to:

Paul Decker
4316 Leola Avenue
Baltimore, MD 21227
247-7488

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-468-A (Item 469)
1825 Park Avenue
NEC Park Avenue and Washington Boulevard
13th Election District - 1st Councilmanic
Legal Owner(s): Michael Braden Decker, Sr.

Variance to allow an existing garage setbacks of as close as 1.66 ft. in lieu of the required 2.5 feet; to allow an existing house a side yard setback of 6 ft.; and a street corner side setback of 21 feet; and a front yard setback of 19 ft. in lieu of the required setbacks of 10 ft., 25 ft., and 25 ft. respectively; and to allow existing open projection setbacks of 1.18 ft. and 11 ft. in lieu of the required 7.5 ft. and 18.75 ft. required.

HEARING: FRIDAY, JUNE 28, 1996 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 30, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-468-A (Item 469)
1825 Park Avenue
NEC Park Avenue and Washington Boulevard
13th Election District - 1st Councilmanic
Legal Owner(s): Michael Braden Decker, Sr.

Variance to allow an existing garage setbacks of as close as 1.66 ft. in lieu of the required 2.5 feet; to allow an existing house a side yard setback of 6 ft.; and a street corner side setback of 21 feet; and a front yard setback of 19 ft. in lieu of the required setbacks of 10 ft., 25 ft., and 25 ft. respectively; and to allow existing open projection setbacks of 1.18 ft. and 11 ft. in lieu of the required 7.5 ft. and 18.75 ft. required.

HEARING: FRIDAY, JUNE 28, 1996 at 11:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Michael B. Decker, Sr.
John Mellema Surveyors

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

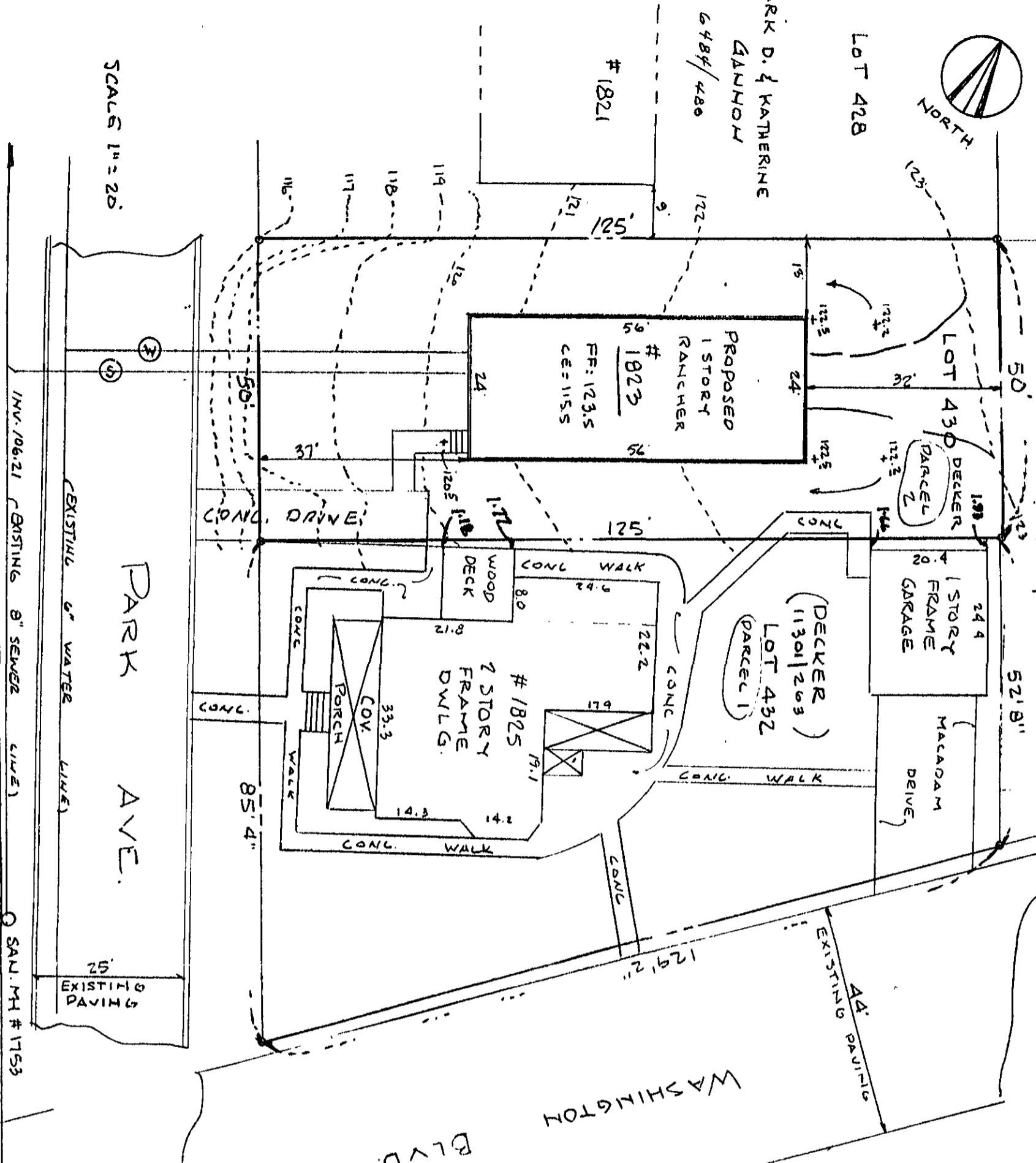
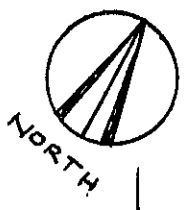
PROPERTY ADDRESS: 1825 PARK AVE

Subdivision name: HALETHORPE

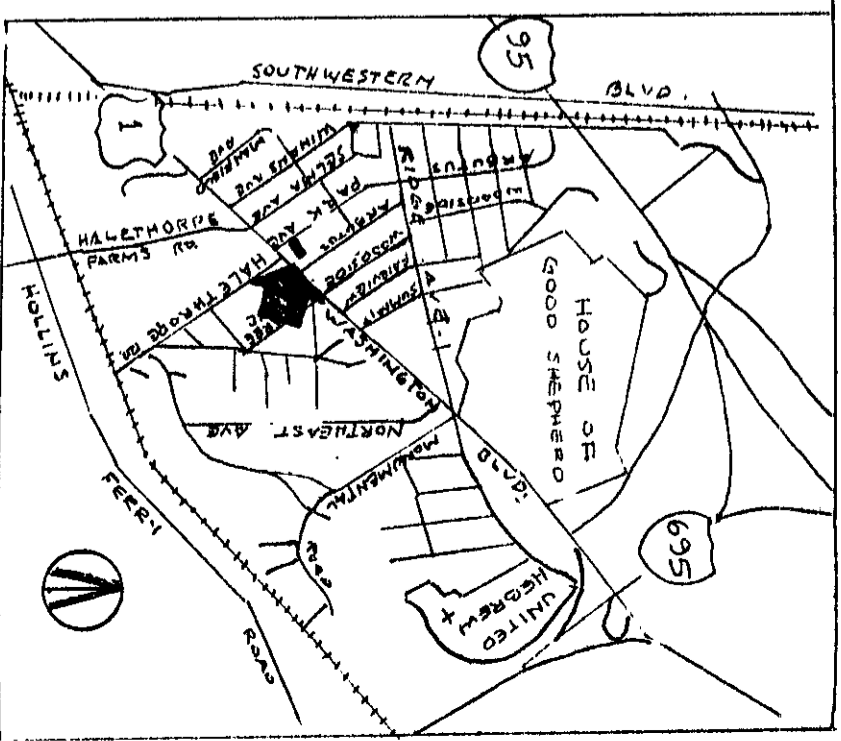
plat book# 1, folio# 60, lot# 430, section#

OWNER: MICHAEL B. DECKER SR.

PRESIMONE
6/10/50



96-468-A



VICINITY MAP
SCALE: 1" = 2000'

NOTE: AREA OF LOT 430 = 62504

PETITIONERS
EXHIBIT NO. 1

MICROFILMED

LOCATION INFORMATION

Election District: 13
Councilmanic District: 1

T-200' scale map#: S.W. 6-D

Zoning: BA-C-1

Lot size: .198 acreage 8623 square feet

- SEWER: ☒ PUBLIC ☐ PRIVATE
WATER: ☒ PUBLIC ☐ PRIVATE

Chesapeake Bay Critical Area: ☐ YES ☒ NO

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 21, 1996

Mr. Michael Braden Decker, Sr.
1825 Park Avenue
Baltimore, MD 21227

RE: Item No.: 469
Case No.: 96-468-A
Petitioner: Michael Decker, Sr.

Dear Mr. Decker:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 24, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

ENCLOSURE



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: June 10, 1996

FROM: *Out* Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 10, 1996
Item Nos. 460, 462, 464, 465, 468,
469, and 470

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/20/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 03, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 460, 462, 463, 464, 465, 466,
468, 469 AND 470.

JUN 5 1996

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

6-4-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 469 (CAM)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

6/20/96
Y

96-3509
AS for file

Wendell Phillips
1818 Park Ave.
Balto., Md. 21227
June 17, 1996

Hearing 6/29/96

Mr. Arnold Jablon
Baltimore County Zoning Commission
111 W. Chesapeake Ave.
Towson, Md. 21204

19 1996

Dear Mr. Jablon,

I am writing this letter to express my deepest concerns regarding the special exception hearing; case # 96-468-A and case # 96-469-A. These concern the property at 1825 Park Ave. in the Halethorpe area. My chief concern is the fact that if and when this landlord builds another structure on a too small lot, he will turn it into a boarding house, just as he has done with his current property. The parking problem is already acute and getting worse as more and more people rent out the second and sometimes third floor of their houses. This particular neighborhood can be considered in transition towards lower middle class as evidenced by the number of transient people that are continually coming and going to and from their living quarters. It seems to me that the County Executive has in mind neighborhoods exactly like this one when he makes public statements and promises about revitalization of "older neighborhoods."

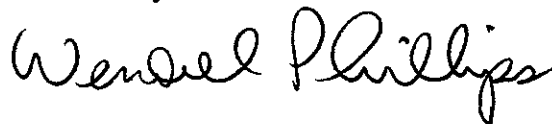
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The fact that the property in question is zoned BR-CS1 complicates the matter even further. As you know, if this landlord is granted this special exception, it will be Katy-bar-the-door for just about any type of activity that he wants to engage in.

I hope that you will address the concerns of the ordinary homeowners in this neighborhood vs. what seems to me, to be the aspirations of a for profit landlord that wants to raise his income at the expense of common residential homeowners.

I plan to take a day off work in order to attend the hearing and present my concerns in person.

Sincerely;

A handwritten signature in cursive script that reads "Wendell Phillips". The signature is written in black ink and is positioned above the printed name.

Wendell Phillips

June 14, 1996

Arnold Jablon
Zoning Commissioner
111 W. Chesapeake Avenue
Towson, MD 21204

Subject: Zoning Notice Case 96-468A, Variances for existing home
and 96-469A, Variance for building lot.
Hearing Date: June 28, 1996

Dear Mr. Jablon:

We are writing to express our concern with the subject Cases. Work schedule precludes our ability to be present at the public hearing, however we request that you consider the concerns presented herein before making a determination in the Cases. We are convinced that these cases are contrary to our interests and indeed to other neighbors who may elect not to express their concerns. We have no desire to stand by and watch property values fall because of changes or variances in zoning.

Over the 20 + years we have resided on Park Avenue, we have noted a slow but steady deterioration. Many of the residences, all single family units, have been converted into multi-family dwellings. As more and more cars are added by the renters, parking has become a problem. In fact, the properties in question were used until very recently by three different families. Parking for guests at our home was rarely available during that time.

Park Avenue is a 25 foot residential street and intersects with Washington Blvd at the properties in question. The intersection is a dangerous one, and has been the scene of numerous automotive accidents. No Parking signs are posted on Park Avenue near the intersection, but were routinely ignored to accommodate the parking situation. Many times illegally parked vehicles limit access and egress from our driveway into Park Avenue. Additionally, when cars are parked on both sides of Park Avenue traffic is restricted to one lane. It takes great skill for the school bus driver to travel on Park Avenue when school is in session. The additional building lot is not good for us.

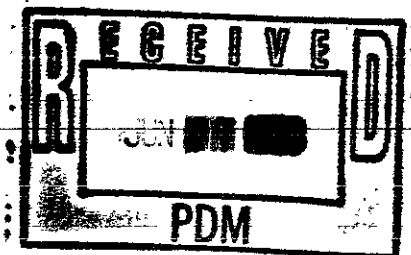
For all of the above reasons, we are opposed to the zoning variances in Case 96-468A and 96-469A. Please do not increase the deterioration in our neighborhood by granting the variances.

Thank you



Harry H. Bain
1824 Park Avenue
Baltimore, MD 21227

MICROFILMED



1821 Park Avenue
Halethorpe, Md 21227
June 28, 1996

Mr. Kotroco
Deputy Zoning Commissioner
Room 101 Old Court House
400 Washington Avenue
Towson, Maryland 21204

Dear Mr. Kotroco:

Due to illness, my wife was unable to attend the zoning hearing on June 28th re a variance for 1823 Park Avenue in Halethorpe. My wife and I are the most affected homeowners to the proposed new structure since we live at 1821 Park Avenue. We are opposed to granting the variance because the proposed new structure will be intrusive. We bought our home with the knowledge that under present zoning laws it would not be possible to build on the portion of a lot next door. We believe that these existing zoning laws should be enforced. We are against granting the variance which would place the proposed new structure too close to our home, and a proposed parking pad would be inconsistent with and a blight on the neighborhood.

Your attention in this matter will be greatly appreciated.

Sincerely yours,

Katherine E. Gannon
Mark D. Gannon

Katherine E. & Mark D. Gannon

cc: Sam Moxley

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To Whom It May Concern,

The attached sheet records the names and addresses of concerned homeowners along Park Avenue who object to the granting of special exceptions in the zoning hearings regarding case # 96-468-A and case # 96-469-A.

These homeowners object on grounds ranging from increased parking and congestion of our street, to not following the Baltimore County Zoning Code as written.

MICROFILMED

NAME (signature)	ADDRESS	TELEPHONE (OPTIONAL)	DATE
Wendell Phillips	1818 PARK AVE.		6-24-96
Wendell Phillips	1824 PARK AVE		6/25/96
Mark D. Warner	1821 Park Avenue		6-25-96
Joe C. Schaefer Jr.	1816 Park Ave	247-4436	6/25/96
Shirley F. Phillips	1815 PARK AVE		6/25/96
Merri Garner	1810 Park Ave	242-5998	6/25/96
Ken Brooks	1820 Park Ave	536 4144	6/26/96
Walter Thompson	1814 Park Ave.	242-3007	6/26/96
James D. Keith Keith	1808 PARK AVE.	247-1175	6/26/96
James D. Keith	1806 PARK AVE	247-0127	6/26/96
Ernestine Clark	1800 Park Ave	247-2851	6/26/96

MICROFILMED

IN RE: PETITIONS FOR VARIANCE
NE/S Park Avenue at its intersection
with Washington Boulevard
(1823 & 1825 Park Avenue)
13th Election District
1st Councilmanic District
Michael Braden Decker, Sr.
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case Nos. 96-468-A & 96-469-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 1823 and 1825 Park Avenue, located in the vicinity of Washington Boulevard in Halethorpe. The Petitions were filed by the owner of the properties, Michael Braden Decker, Sr. In Case No. 96-468-A, the Petitioner seeks relief from Section 1802.3.C.1 (Sections 238.1 and 302) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling at 1823 Park Avenue. In Case No. 96-469-A, the Petitioner seeks relief from the B.C.Z.R. for the existing improvements at 1825 Park Avenue as follows: From Section 400.1 to permit an accessory structure (detached garage) to be located as close as 1.66 feet to the side property line in lieu of the required distance of 2.5 feet; from Section 1802.3.C.1 to permit a side yard setback of 6 feet in lieu of the required 10 feet, a street corner side setback of 21 feet in lieu of the required 25 feet, and a front yard setback of 19 feet in lieu of the required 25 feet for the existing dwelling, and, from Section 301 to permit side setbacks of 1.18 feet and 11 feet in lieu of the minimum required 7.5 feet and 18.75 feet, respectively, for an open projection (wood deck). The subject properties and relief sought are more particular-

ly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibits 1.

Appearing at the hearing on behalf of the Petitions was Paul Decker, Builder and cousin of Michael Decker, legal owner of both properties. Appearing as Protestants in the matter were Wendell and Patsy Phillips, adjoining property owners.

Testimony and evidence offered revealed that the two properties which are the subject of these requests are located on the northeast side of Park Avenue, at its intersection with Washington Boulevard. Michael Decker purchased the two properties approximately 6 months ago and currently resides on the corner property, known as 1825 Park Avenue. That property consists of a gross area of 0.1435 acres, or 6,250 sq.ft., zoned B.R.-C.S.1 and is improved with a two-story dwelling, one-story garage and attached deck. Due to the location of existing improvements on this property and its location as a corner lot, the relief requested is necessary to legitimize existing conditions.

As to the adjoining property at 1823 Park Avenue, testimony indicated that Michael Decker intends to sell that lot to his cousin, Paul Decker, who proposes to develop that lot with a one-story rancher for himself and his family. That property consists of a gross area of .198 acres, or 8,623 sq.ft., zoned B.R.-C.S.1, and is only 50 feet wide by 125 feet deep. Thus, the requested variance from lot width requirements is necessary in order to proceed with the proposed development.

As noted above, two individuals appeared in opposition to the relief requested. Mr. & Mrs. Wendell Phillips testified that the existing dwelling at 1825 Park Avenue has been utilized in the past as a three apartment dwelling. However, at the present time, Michael Decker is

residing on the property by himself and does not rent out the other two apartments. They testified that when the house was rented as three apartments, parking in the neighborhood was a serious problem. Furthermore, they are concerned over the types of individuals who rent these apartments and stated that they have had problems in the past with rowdiness and late-night parties. These residents are concerned about the over-development of the property at 1825 Park Avenue and believe that this corner property needs the adjacent, vacant lot, in order to support the three apartment use of the two-story dwelling. These neighbors believe that to construct a dwelling on the vacant lot at 1823 Park Avenue would be an over-development of this corner.

I agree with the neighbors who attended the hearing that to allow a dwelling to be constructed at 1823 Park Avenue would be an over-development of this corner property. This is true, if, in fact, the two-story dwelling at 1825 Park Avenue is being used as three-apartments. If this house were to be converted to a single family dwelling, thereby eliminating two of the apartments and the individuals and automobiles associated with those two apartments, then it would not be an over-development of this corner property to allow the proposed development on the adjacent lot at 1823 Park Avenue. A discussion ensued at the hearing and an agreement was reached between the neighbors that a variance for the proposed development at 1823 Park Avenue would not be opposed if Mr. Decker is willing to reconvert the dwelling at 1825 Park Avenue to a single family residence. Therefore, I shall grant the relief requested conditioned upon Mr. Decker reconvert the dwelling at 1825 Park Avenue to a single family residence. In the event Mr. Decker chooses not to reconvert the dwelling to a single

1823 Park Avenue shall be rescinded and the Petitioner shall be required to bring the property at 1825 Park Avenue into compliance with the zoning regulations.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. Mulvan v. Selvy, 370 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 38 (1974).

It is clear from the testimony that if the variances are granted as conditioned above, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

ORDER RECEIVED FOR FILING

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Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of July, 1996 that the Petition for Variance in Case No. 96-468-A, seeking relief from Section 1802.3.C.1 (Sections 238.1 and 302) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling on the property known as 1823 Park Avenue, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the restrictions set forth below; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 96-469-A, seeking relief from the B.C.Z.R. as follows for the existing improvements at 1825 Park Avenue: From Section 400.1 of the B.C.Z.R. to permit an accessory structure (detached garage) to be located as close as 1.66 feet to the side property line in lieu of the minimum required 2.5 feet; from Section 1802.3.C.1 of the B.C.Z.R. to permit a side yard setback of 6 feet in lieu of the required 10 feet, a street corner side setback of 21 feet in lieu of the required 25 feet, and a front yard setback of 19 feet in lieu of the required 25 feet for the existing dwelling, and, to permit side setbacks of 1.18 feet and 11 feet in lieu of the minimum required 7.5 feet and 18.75 feet, respectively, for an open projection (wood deck), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions and conditions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is conditioned upon the Petitioner reconvert the two-story, three-apartment dwelling at 1825 Park Avenue to a single family residence, prior to the issuance of any permits for the proposed dwelling at 1823 Park Avenue. In the event the Petitioner chooses not to reconvert the existing dwelling to a single family residence, then the relief granted for the proposed dwelling at 1823 Park Avenue (Case No. 96-468-A) and the existing improvements at 1825 Park Avenue (Case No. 96-469-A) shall be rescinded.

3) The Petitioner shall have thirty (30) days from the date of this Order to submit a written statement advising this Office of his intention to reconvert the dwelling at 1825 Park Avenue to a single family residence, never to be used as three (3) apartments again. Said notice shall be incorporated into the case files on these matter and made a part of the record. Failure to submit such written notice will cause the relief granted in both Cases Nos. 96-468-A and 96-469-A to be rescinded.

4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

5) Pursuant to Section 502.2 of the B.C.Z.R., a new deed incorporating a reference to this case and the restrictions and conditions set forth herein shall be recorded among the Land Records of Baltimore County within sixty (60) days of the date of this Order. A copy of the recorded deed shall be forwarded to the Department of Permits & Development Management (DDPM) for inclusion in the case file prior to the issuance of any building permits.

TMK:bjs

TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Baltimore County Government
Zoning Commission
Office of Planning and Zoning



Suite 112 Counthouse
400 Washington Avenue
Towson, MD 21204

July 30, 1996

(410) 887-4356

Mr. Michael Decker, Sr.
1825 Park Avenue
Baltimore, Maryland 21227

RE: PETITIONS FOR VARIANCE
NE/S Park Avenue at its intersection with Washington Boulevard
(1823 & 1825 Park Avenue)
13th Election District - 1st Councilmanic District
Michael Braden Decker, Sr. - Petitioner
Case Nos. 96-468-A & 96-469-A

Dear Mr. Decker:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Paul Decker
4316 Leola Avenue, Baltimore, Md. 21227

Mr. & Mrs. Wendell Phillips
1818 Park Avenue, Baltimore, Md. 21227

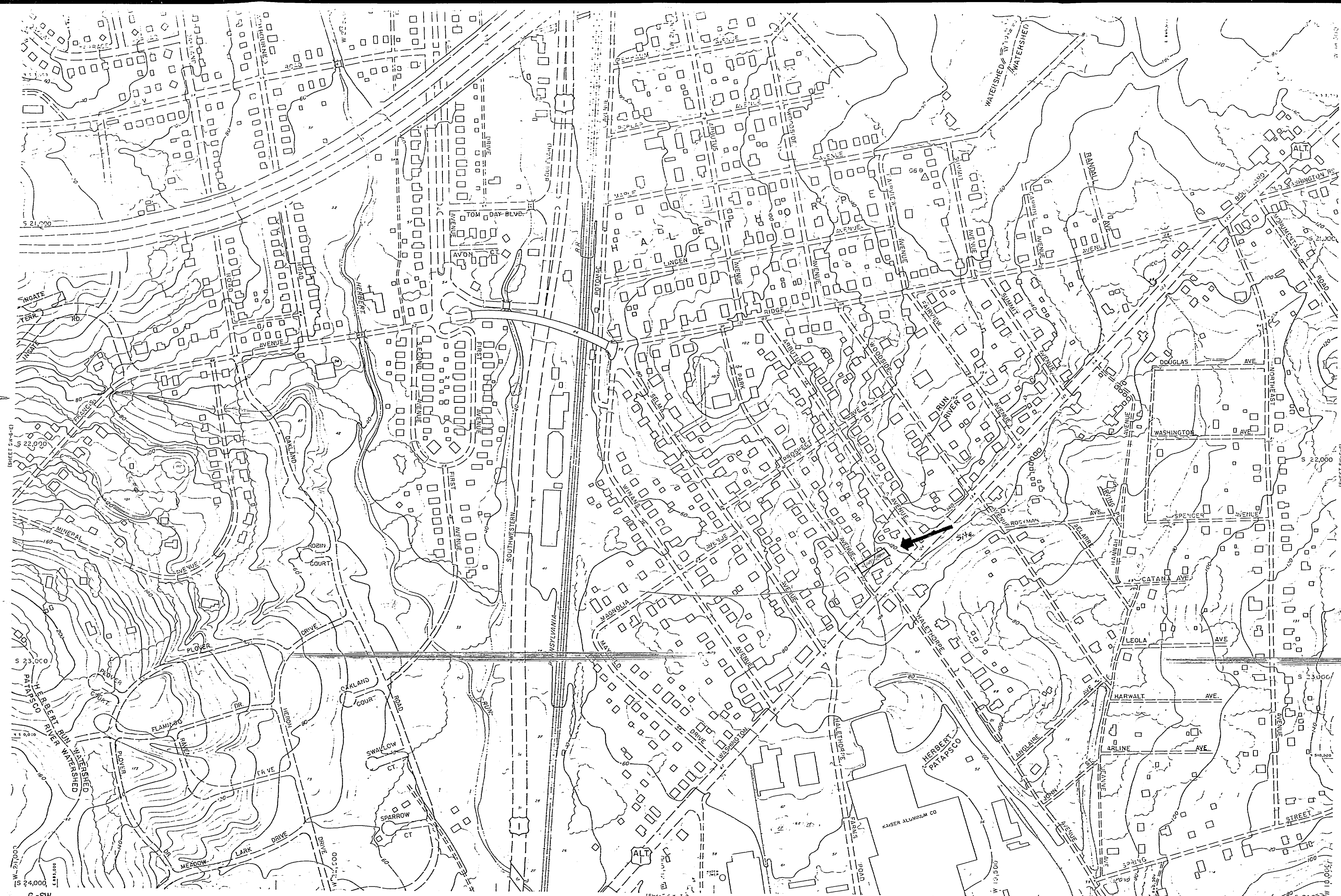
People's Counsel
Case File



Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 1825 Park Ave which is presently zoned B.R.-C.S.1

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Sections 1802.3.C.1, 1802.3.C.2, 1802.3.C.3, 1802.3.C.4, 1802.3.C.5, 1802.3.C.6, 1802.3.C.7, 1802.3.C.8, 1802.3.C.9, 1802.3.C.10, 1802.3.C.11, 1802.3.C.12, 1802.3.C.13, 1802.3.C.14, 1802.3.C.15, 1802.3.C.16, 1802.3.C.17, 1802.3.C.18, 1802.3.C.19, 1802.3.C.20, 1802.3.C.21, 1802.3.C.22, 1802.3.C.23, 1802.3.C.24, 1802.3.C.25, 1802.3.C.26, 1802.3.C.27, 1802.3.C.28, 1802.3.C.29, 1802.3.C.30, 1802.3.C.31, 1802.3.C.32, 1802.3.C.33, 1802.3.C.34, 1802.3.C.35, 1802.3.C.36, 1802.3.C.37, 1802.3.C.38, 1802.3.C.39, 1802.3.C.40, 1802.3.C.41, 1802.3.C.42, 1802.3.C.43, 1802.3.C.44, 1802.3.C.45, 1802.3.C.46, 1802.3.C.47, 1802.3.C.48, 1802.3.C.49, 1802.3.C.50, 1802.3.C.51, 1802.3.C.52, 1802.3.C.53, 1802.3.C.54, 1802.3.C.55, 1802.3.C.56, 1802.3.C.57, 1802.3.C.58, 1802.3.C.59, 1802.3.C.60, 1802.3.C.61, 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PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE		LOCATION	
BY	DATE	1" = 200'		HALETHORPE	
		- DATE OF PHOTOGRAPHY -		S.W.	
				6-D	

Topography Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION-PHILADELPHIA, PA.

96-469-A

JOHN C. MELLEMA, SR. INC.
5409 EAST DRIVE
BALTIMORE, MARYLAND 21227
MAY 23, 1996

96-468-A

ZONING DESCRIPTION FOR 1825 PARK AVENUE

Beginning at a point on the Northeast side of Park Avenue which is 50 feet wide and 25 feet Southwest from the centerline of Washington Blvd. 50 feet wide.

Being known as lot 432 in the subdivision of Hall and Smith Farms as recorded in Baltimore County in plat book J.W.S. 1 folio 60 containing 8.623 square feet.

Also known as 1825 Park Avenue and located in the 13th election district, 1st councilmanic district.

Sec 238.1, 202
400.1 To Allow an existing garage a setback of as close as 1.66' in lieu of the required 2.5';
Sec 1802.3.C.1 to allow an existing house a sideyard setback of 6' in lieu of the required 10' and a street corner setback of 21' in lieu of the required 25'; and a front yard setback of 19' in lieu of the required 10', 25' and 25' respectively; and Sec 301.1A to allow existing open projection setbacks of 1.18' and 11' in lieu of the required 7.5 and 18.75' respectively.

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, is hereby giving notice that it will hold a public hearing on the following proposed zoning action:

Case 96-468-A
1825 Park Avenue
13th Election District
1st Councilmanic District
Legal Owner(s):
Michael Braden Decker, Sr.
Petitioner: Michael Braden Decker, Sr.

Variance to allow an existing garage a side yard setback of 6 ft. in lieu of the required 25 ft.; and a street corner side setback of 21 ft. in lieu of the required 25 ft.; and a front yard setback of 19 ft. in lieu of the required 10 ft., 25 ft., and 25 ft. respectively; and to allow existing open projection setbacks of 1.18 ft. and 11 ft. in lieu of the required 7.5 ft. and 18.75 ft. respectively.
Hearing: Friday, June 28, 1996 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are conducted in accordance with the provisions of the Zoning Ordinance.
(2) For information concerning the hearing, please call 887-3353.
6033 Ave C 63733

CERTIFICATE OF PUBLICATION

TOWSON, MD. 6/6, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md. once in each of 1 successive weeks, the first publication appearing on 6/6, 1996.

THE JEFFERSONIAN

A. Henricson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

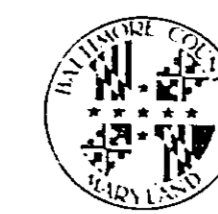
96-468-A

DATE: 6/6/96 ACCOUNT: 96-468-A
AMOUNT: \$ 87.00

RECEIVED FROM: Michael Braden Decker, Sr.

FOR: 1825 Park Ave

VALIDATION OR SIGNATURE OF CASHIER
96-468-A



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 469 Petitioner: Michael Braden Decker Sr.

Location: 1825 Park Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Paul Decker

ADDRESS: 4316 Leola Ave

Baltimore, MD 21227

PHONE NUMBER: 347-7486

TO: PUTNEY PUBLISHING COMPANY
June 6, 1996 Issue - Jeffersonian

Please forward billing to:

Paul Decker
4316 Leola Avenue
Baltimore, MD 21227
247-7486

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-468-A (Item 469)
1825 Park Avenue
13th Election District - 1st Councilmanic
Legal Owner(s): Michael Braden Decker, Sr.

Variance to allow an existing garage setbacks of as close as 1.66 ft. in lieu of the required 2.5 feet; to allow an existing house a side yard setback of 6 ft.; and a street corner side setback of 21 feet; and a front yard setback of 19 ft. in lieu of the required setbacks of 10 ft., 25 ft., and 25 ft. respectively; and to allow existing open projection setbacks of 1.18 ft. and 11 ft. in lieu of the required 7.5 ft. and 18.75 ft. required.

HEARING: FRIDAY, JUNE 28, 1996 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 30, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-468-A (Item 469)
1825 Park Avenue
13th Election District - 1st Councilmanic
Legal Owner(s): Michael Braden Decker, Sr.

Variance to allow an existing garage setbacks of as close as 1.66 ft. in lieu of the required 2.5 feet; to allow an existing house a side yard setback of 6 ft.; and a street corner side setback of 21 feet; and a front yard setback of 19 ft. in lieu of the required setbacks of 10 ft., 25 ft., and 25 ft. respectively; and to allow existing open projection setbacks of 1.18 ft. and 11 ft. in lieu of the required 7.5 ft. and 18.75 ft. required.

HEARING: FRIDAY, JUNE 28, 1996 at 11:00 a.m. in Room 106, County Office Building.

Arnold Jablon
Director

cc: Michael B. Decker, Sr.
John Melless Surveyors

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 21, 1996

Mr. Michael Braden Decker, Sr.
1825 Park Avenue
Baltimore, MD 21227

RE: Item No.: 469
Case No.: 96-468-A
Petitioner: Michael Decker, Sr.

Dear Mr. Decker:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 24, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: June 10, 1996

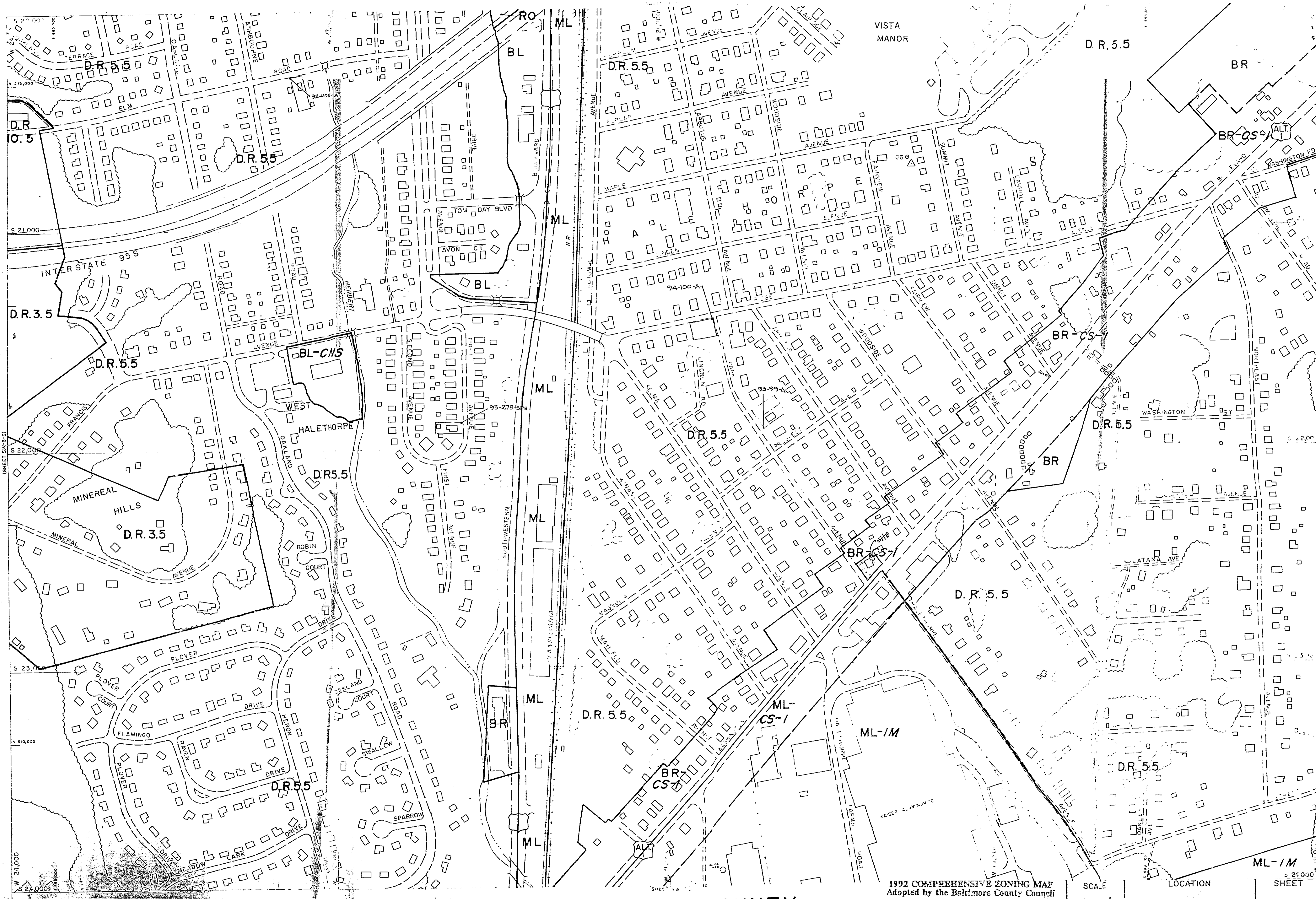
FROM: Robert W. Bowling, Chief
Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
for June 10, 1996
Item Nos. 460, 462, 464, 465, 468,
469, and 470

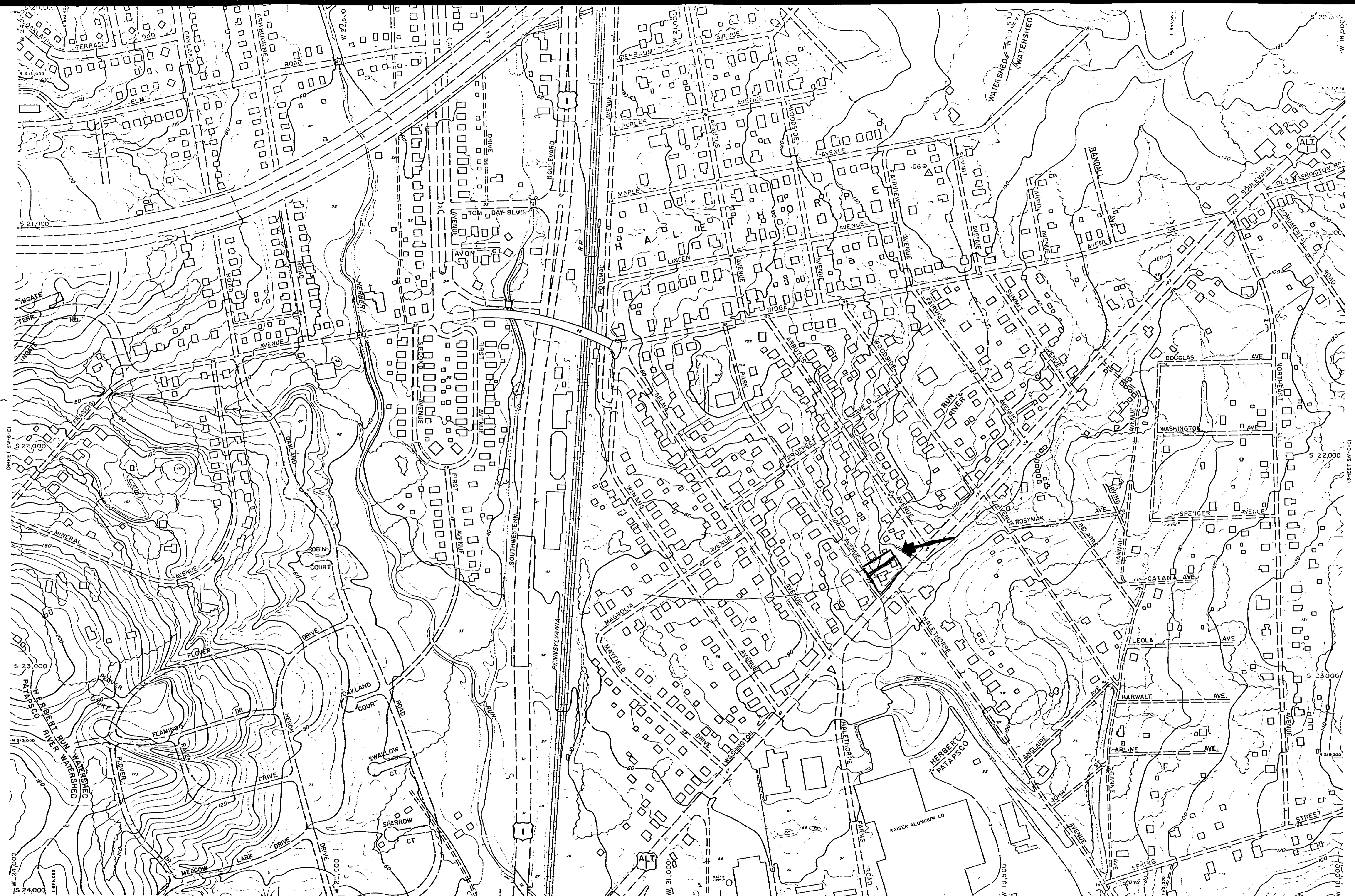
The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File



96-468-A



G-SW
C-NW

PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'	HALETHORPE	S.W.
		DATE OF PHOTOGRAPHY APRIL 1953		6-D
Topography Compiled By Photogrammetric Methods AERO SERVICE CORPORATION - PHILADELPHIA, PA.				

96-468-A

ORDER RECEIVED FOR FILING
 Date 7/30/96
 By 9012

This matter comes before the Deputy Zoning Commissioner as combined Petitions for Variance for those properties known as 1823 and 1825 Park Avenue, located in the vicinity of Washington Boulevard in Hialesthorpe. The Petitions were filed by the owner of the properties, Michael Brade-Decker, Sr. In Case No. 96-468-A, the Petitioner seeks relief from Section 1802.3.C.1 (Sections 238.1 and 302) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot width of 50 feet in lieu of the required 55 feet for a proposed dwelling at 1823 Park Avenue. In Case No. 96-469-A, the Petitioner seeks relief from the B.C.Z.R. for the existing improvements at 1825 Park Avenue as follows: From Section 400.1 to permit an accessory structure (detached garage) to be located as close as 1.66 feet to the side property line in lieu of the required distance of 2.5 feet; from Section 1802.3.C.1 to permit a side yard setback of 6 feet in lieu of the required 10 feet, a street corner side setback of 21 feet in lieu of the required 25 feet, and a front yard setback of 19 feet in lieu of the required 25 feet for the existing dwelling, and, from Section 301 to permit side setbacks of 1.18 feet and 11 feet in lieu of the minimum required 1.18 feet and 18.75 feet, respectively, for an open projection (wood deck). The subject properties and relief sought are more particular-

- 2-

As noted above, two individuals appeared in opposition to the relief requested. Mr. & Mrs. Wendell Phillips testified that the existing dwelling at 1825 Park Avenue has been utilized in the past as a three apartment dwelling. However, at the present time, Michael Decker is

- 3 -

I agree with the neighbors who attended the hearing that to allow a dwelling to be constructed at 1823 Park Avenue would be an over-development of this corner property. This is true, if, in fact, the two-story dwelling at 1825 Park Avenue is being used as three-apartments. If this house were to be converted to a single family dwelling, thereby eliminating two of the apartments and the individuals and automobiles associated with those two apartments, then it would not be an over-development of this corner property to allow the proposed development on the adjacent lot at 1823 Park Avenue. A discussion ensued at the hearing and an agreement was reached between the neighbors that a variance for the proposed development at 1823 Park Avenue would not be opposed if Mr. Decker is willing to reconvert the dwelling at 1825 Park Avenue to a single family residence. Therefore, I shall grant the relief requested conditioned upon Mr. Decker reconverting the dwelling at 1825 Park Avenue to a single family residence. In the event Mr. Decker chooses not to reconvert the dwelling to a single

It is clear from the testimony that if the variances are granted as conditioned above, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. It has been established that special circumstances or conditions exist that are peculiar to the land and structure which are the subject of these requests and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

9

TMK:bis

Timothy M. Kotrocco
TIMOTHY M. KOTROCCO
Deputy Zoning Commissioner
for Baltimore County

People's Counsel
Case File

 Printed with Soybean ink

Schedule with #469

ORDER REC'D
Date 1/31/96

JOHN C. MELLEMA, SR. INC.
5409 EAST DRIVE
BALTIMORE, MARYLAND 21227
MAY 23, 1996

96-469-A

ZONING DESCRIPTION FOR 1823 PARK AVENUE

Beginning at a point on the Northeast side of Park Avenue, which is 50 feet wide at a distance of 110 ft. plus or minus Southwest of the centerline of Washington Blvd., which is 50 feet wide.

Being known as lot 430 in the subdivision of Hall and Smith Farms as recorded in Baltimore County in Plat Book J.W.S. 1 folio 60 containing 6250 square feet. Also known as 1823 Park Avenue, and located in the 13th election district, 1st councilmanic district.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13TH Date of Posting: 6/1/96
Posted for: Towing
Petitioner: Michael Braden Decker, Sr.
Location of property: 1823 Park Ave.
Location of Sign: Towing Department, 400 Washington Avenue, Towson, Maryland 21204
Remarks:
Posted by: [Signature] Date of return: 6/1/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 6/6, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 6/6, 1996.

THE JEFFERSONIAN,
A. Hemmison
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on Friday, June 8, 1996, at 11:00 a.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204 as follows:
Case: 96-469-A (Item 470)
1823 Park Avenue
NE/S Park Avenue, 110' SW of Washington Blvd.
13th Election District - 1st Councilmanic
Legal Owner(s): Michael Braden Decker, Sr.
Variance to allow a building lot a width of 50 ft. in lieu of the required 55 feet.
HEARING: FRIDAY, JUNE 8, 1996 at 11:00 a.m. in Room 106, County Office Building.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are held on Wednesdays, for special accommodations please call 867-3353.
(2) For information concerning the file and/or hearing, please call 867-3391.
6502 June 6 037343

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 24 May 96 ACCOUNT: 96-469-A
AMOUNT: \$ 25.00
RECEIVED FROM: Paul Decker
FOR: RV 1823 Park Ave
VALIDATION OR SIGNATURE OF CASHIER: [Signature]
96-469-A

NE/S Park Ave
110' SW
Washington Blvd
Set w/ 469 13-1

mits and
agement

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 470 Petitioner: Michael Braden Decker, Sr.
Location: 1823 Park Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Paul Decker
ADDRESS: 4316 Leola Ave
Baltimore 21227
PHONE NUMBER: 247-7468

12

TO: PUBLISHER PUBLISHING COMPANY
June 6, 1996 Issue - Jeffersonian

Please forward billing to:

Paul Decker
4316 Leola Avenue
Baltimore, MD 21227
247-7468

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-469-A (Item 470)
1823 Park Avenue
NE/S Park Avenue, 110' SW of Washington Blvd.
13th Election District - 1st Councilmanic
Legal Owner(s): Michael Braden Decker, Sr.

Variance to allow a building lot a width of 50 ft. in lieu of the required 55 feet.

HEARING: FRIDAY, JUNE 8, 1996 at 11:00 a.m. in Room 106, County Office Building.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 867-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 30, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-469-A (Item 470)
1823 Park Avenue
NE/S Park Avenue, 110' SW of Washington Blvd.
13th Election District - 1st Councilmanic
Legal Owner(s): Michael Braden Decker, Sr.

Variance to allow a building lot a width of 50 ft. in lieu of the required 55 feet.

HEARING: FRIDAY, JUNE 8, 1996 at 11:00 a.m. in Room 106, County Office Building.

[Signature]
Arnold Jablon
Director

cc: Michael B. Decker, Sr.
John William Surveys

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 867-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 867-3391.

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 21, 1996

Mr. Michael Braden Decker, Sr.
1823 Park Avenue
Baltimore, MD 21227

RE: Item No.: 470
Case No.: 96-469-A
Petitioner: Michael Decker, Sr.

Dear Mr. Decker:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 24, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (867-3391).

Sincerely,

[Signature]
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM DATE: June 18, 1996

FROM: Arnold F. "Pat" Keller, III, Director, OP

SUBJECT: 1823 Park Avenue

INFORMATION:

Item Number: 470
Petitioner: Decker Property
Property Size:
Zoning: B.R.A.S. + B.R. C.S.I.
Requested Action:
Hearing Date: 6/1

SUMMARY OF RECOMMENDATIONS:

Based upon a review of the information provided, staff can find no justification for the granting of the relief as requested.

This office recommends that the applicants request be denied unless it is demonstrated that special circumstances peculiar to the land exist.

Prepared by: [Signature]
Division Chief: Garry L. Kerns
PK/JL/lw

96-469-A

12-04-83 11:30 P.M. J02210129

24' X 56' Rancher
Garden Tub ILO Standard
46" Shower
Peninsula
Overhang
Glass Sliding Door
ILO Rear Door
2 Extra 3050 Windows
Recessed Entrance
2 Sidelights
Recesses Header, Micro

Total

PLAN ROOMS: DINING AREA, KITCHEN, BREAKFAST ROOM, BATH, SHOWER, GARDEN TUB, BEDROOM #1, BEDROOM #2, BEDROOM #3, LIVING ROOM, FOYER, RECESSED ENTRANCE, RECESSED HEARTH, ILO REAR DOOR, 2 EXTRA 3050 WINDOWS, 2 SIDELIGHTS, RECESSES HEADER, MICRO

RANCHER 24' X 56'

01-2484 A

PLAN ROOMS: DINING AREA, KITCHEN, BREAKFAST ROOM, BATH, SHOWER, GARDEN TUB, BEDROOM #1, BEDROOM #2, BEDROOM #3, LIVING ROOM, FOYER, RECESSED ENTRANCE, RECESSED HEARTH, ILO REAR DOOR, 2 EXTRA 3050 WINDOWS, 2 SIDELIGHTS, RECESSES HEADER, MICRO